

Troy T. Williams v. Capital One Bank(USA)N.A. et. al.

Case No. 5:17-cv-01216-CLS

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

2018 MAY 14 P 2:50

U.S. DISTRICT COURT
N.D. OF ALABAMA

May 14th, 2018

This document relates to:

**Troy T. Williams, an
Individual**

Plaintiff,

V.

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CaseNo. 5:17-cv-01216-CLS
: PLAINTIFF DEMANDS TRIAL
: BY JURY

Capital One Bank(USA)N.A. et. al.
Defendant(s)

ADDENDUM TO PLAINTIFF'S EXHIBIT LIST[S]

Comes now, Plaintiff, Williams, submit this “addendum” upon “discovery” of information that is of relevance to ascertain the fact[s] of not a “harmless human error or inadvertent error” as stated by defendant in not complying with FCRA § 1681i(a)(1)(A). Pursuant to Fed. R. Civ. P. Rule 26(a)(3) and Court’s Scheduling Order, hereby designates the following exhibits :

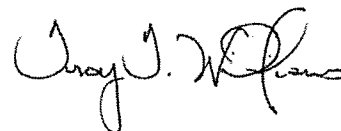
N o.	Description	Marked	Offered	Objected to	Admitted	Date
	1.CapitalOneBank(USA)N.A.CFPB(Consumer Financial Protection Bureau) Compliant (ECF 13).					
	2.Experian 609(a)(1)(A) letter dated June 3 rd , 2017.(ECF 58).					
	3.USPS(United States Postal Service) receipt that 609(a)(1)(A) letter was delivered on June 13 th , and signed for by James Swanson concerning Experian 2017.(ECF 101 Exh- H)					
	4.Experian “Reinvestigation” results (ECF 58).					
	5.Equifax Information Services LLC. Consumer Report sent to Williams dated May 15, 2017 confirmation#7135081568 (ECF 58).					
	6.Equifax Information Services LLC. 609(a)(1)(A) letter dated June 3 rd , 2017 (ECF 58).					
	7.USPS(United States Postal Service) receipt that 609(a)(1)(A) letter was delivered on June 9 th , and					

signed for by Greg Moody as it pertains to Equifax 2017.(ECF 101 Exh-G)					
8. Equifax Information Services LLC.“Reinvestigation” results (ECF 58).					
9.TransUnion 609(a)(1)(A) letter dated June 17 th , 2017 (ECF 58).					
10.USPS(United States Postal Service) receipt that 609(a)(1)(A) letter was delivered on June 24 th , and signed for by Sid Chud concerning TransUnion 2017.(ECF 101 Exh- I)					
11.TransUnion “Reinvestigation” results (ECF 58).					
12.E-Oscar System (ECF 101 Exh-F)					
13.Equifax Data-Furnisher Guide (ECF 101 Exh-E).					
14.Leonard Bennett Testimony Before The House Committee On Financial Services (ECF 101 Exh-D).					
15.Summary Exhibits As Determined (i.e. anything that is not mentioned and Williams reserves the right to amend).					

16.Any Necessary Rebuttal or Impeachment Exhibits.					
17.Demonstrative Charts, Drawings, Models, Aids, and Exemplars.					
18.Any Exhibit listed by any other party in this matter that Plaintiff has no objection.					
19.All Affidavits as necessary that were submitted and upon submission went “un-opposed”.					
20.ACIS File EIS-Williams 000001-24					

Williams reserves the right, along with any Court Orders, to amend and request additional exhibits as it pertains to this matter.

Respectfully submitted,



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In Proper Person

Certificate of Interested Parties:

May 14th, 2018

I, Troy T. Williams, do solemnly swear that the foregoing is true and correct to the best of my knowledge and that this *Addendum to Plaintiff's Exhibit Lists* is in compliance with **with Local Court Rules and Fed.R.Civ.P.**."I have sent the following parties a copy of my brief via United States Postal Service and/or by email. *If* you have any questions please contact me at twothetlwill@gmail.com. Thank you.

Equifax Information Services LLC.

Attn: Kirkland E Reid

JONES WALKER LLP

11 N. Water Street

Suite 1200

Mobile, AL 36602

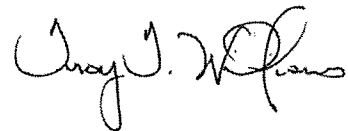
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ATTORNEY TO BE NOTICED

Respectfully submitted,



/s/Troy T. Williams

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In Proper Person

March 2017

Consumer Response Annual Report

January 1 – December 31, 2016



Consumer Financial
Protection Bureau

by collectors was for expenses covered by their medical insurance.

3.3 Consumers’ credit reporting complaints

Figure 7 and Table 2 show the types of credit reporting complaints, as reported by consumers for the approximately 54,000 credit reporting complaints handled by the CFPB. This includes approximately 44,000 (81%) about the three largest nationwide credit reporting companies – Equifax, Experian, and TransUnion. Approximately 45,300 (or 84%) of all credit reporting complaints handled by the CFPB in 2016 were sent by Consumer Response to companies for review and response. The remaining complaints have been referred to other regulatory agencies (0.3%), found to be incomplete (14%), or are pending with the consumer or the CFPB (2% and 0.3%, respectively).

FIGURE 7: TYPES OF CREDIT REPORTING COMPLAINTS REPORTED BY CONSUMERS

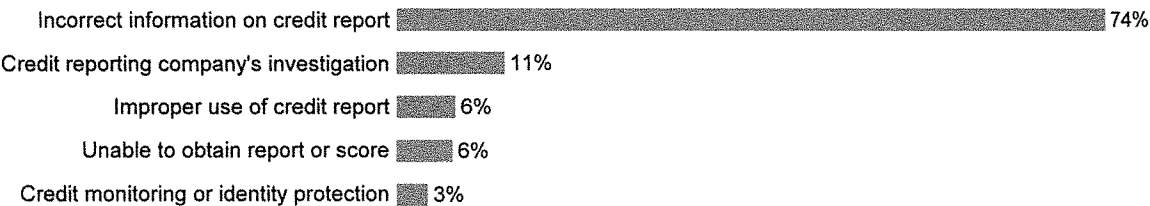


TABLE 2: TYPES OF CREDIT REPORTING COMPLAINTS REPORTED BY CONSUMERS

Types of credit reporting complaints	%
Incorrect information on credit report (Information is not mine, Account terms, Account status, Personal information, Public record, Reinserted previously deleted information)	74%
Credit reporting company's investigation (Investigation took too long, Did not get proper notice of investigation status or results, Did not receive adequate help over the phone, Problem with statement of dispute)	11%
Improper use of my credit report (Report improperly shared by credit reporting company, Received marketing offers after opting out, Report provided to employer without written authorization)	6%
Unable to get my credit report or credit score (Problem getting free annual report, Problem getting report or credit score)	6%
Credit monitoring or identity protection services (Problem cancelling or closing account, Billing dispute, Receiving unwanted marketing or advertising, Account or product terms and changes, Problem with fraud alerts)	3%
Total Credit Reporting Complaints	100%

The most common type of credit reporting complaint continues to be about information the consumer believes to be incorrect appearing on the consumer's credit report, such as information that does not belong to the consumer, incorrect account status, and incorrect personal information. These complaints frequently involve debt collection items. In some cases, consumers report having paid the debt appearing on their report. In other complaints, consumers assert the debt is no longer due because the debt is too old to be enforced in court. These complaints may reflect confusion about the fact that information on past overdue debt—even when paid or no longer enforceable because of limitations—often can remain on a credit report. Other complaints state that the debt belongs to a different consumer, or consumers state that they do not recognize the debt. Delays in updating inaccurate records, problems correcting inaccurate records, and public records being incorrectly matched to their credit reports continue to be frequent issues cited by consumers.

Consumers continued to report having trouble accessing their credit reports because they cannot answer detailed identity authentication questions. If denied access to their report because they failed online authentication, the option available is to mail copies of sensitive, identifying documents, which consumers note is time-consuming and worry is potentially unsecure.

The three national credit reporting companies reported providing relief – monetary or nonmonetary – in response to approximately 23% of incorrect information complaints and complaints about the credit reporting companies' investigations sent to them for response. Providing relief to consumers varies by company with Experian providing relief in response to approximately 41% of complaints, Transunion providing relief in response to approximately 25% of complaints, and Equifax providing relief in response to approximately 5% of complaints.

In addition to complaints about the three nationwide credit reporting companies—Equifax, Experian, Transunion—consumers submitted numerous complaints about specialty and other consumer reporting companies. These companies specialize in providing reports in a number of areas, including background and employment screening, checking account screening, rental screening, and insurance screening. Difficulty resolving inaccuracies is a major concern for consumers submitting complaints about specialty consumer reporting companies. These consumers report long delays, negative customer service experiences, and failed attempts to have inaccurate negative information removed.

Tables 3 and 4 take a closer look at the two largest issue categories chosen by consumers that show the extent to which the sub-issues that consumers choose when submitting complaints about inaccurate information on their credit reports and credit reporting companies' investigations are similar at the three nationwide credit reporting companies.

TABLE 3: SUB-ISSUES OF INCORRECT INFORMATION IN CREDIT REPORTING COMPLAINTS

Sub-issue for incorrect information in credit report complaints	Equifax	Experian	TransUnion	National credit reporting companies
Information is not mine (Belongs to someone else, identity theft, fraud, etc.)	35%	38%	32%	35%
Account status (Paid bill on time, account closed, etc.)	30%	32%	27%	30%
Account terms (Creditor name/info, balance, payment, etc.)	10%	11%	11%	11%
Public record (Bankruptcy, judgment, etc.)	11%	7%	8%	9%
Personal information (Wrong date of birth, address, etc.)	8%	8%	8%	8%
Reinserted previously deleted information	6%	4%	15%	8%
Total Incorrect Information in Credit Report Complaints	100%	100%	100%	100%

TABLE 4: SUB-ISSUES OF CREDIT REPORTING COMPANY'S INVESTIGATION COMPLAINTS

Sub-issue for credit reporting company's investigation complaints	Equifax	Experian	TransUnion	National credit reporting companies
No notice of investigation status or result	36%	44%	41%	40%
Problem with statement of dispute	32%	30%	28%	30%
Investigation took too long	23%	17%	19%	20%
Inadequate help over the phone	10%	10%	12%	10%
Total Credit Reporting Company's Investigation Complaints	100%	100%	100%	100%

March 2018

Consumer Response Annual Report

January 1 – December 31, 2017



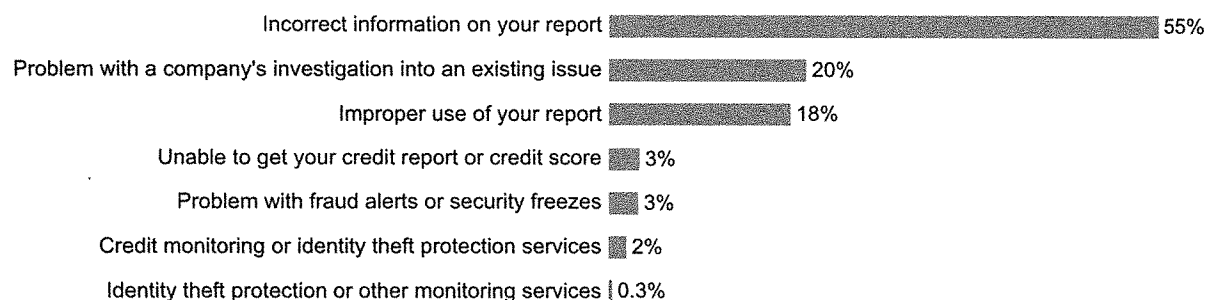
Consumer Financial
Protection Bureau

3.2 Credit or consumer reporting

The Bureau received approximately 100,000 credit or consumer reporting complaints in 2017. The Bureau sent approximately 92,500 (or 92%) of these complaints to companies for review and response. The Bureau referred 5% of the credit or consumer reporting complaints received to other regulatory agencies and found 2% to be incomplete. At the end of 2017, 0.3% of credit or consumer reporting complaints were pending with the consumer and 0.4% were pending with the Bureau.¹⁹

Complaint data can be better understood when considered in context of other data. For example, when analyzing credit or consumer reporting complaints, one possible factor to consider is the number of consumers who have a credit report. According to a 2015 Bureau report on limited credit histories, Bureau estimates suggested that approximately 208 million Americans had credit records at one of the national consumer reporting agencies, representing more than 88% of the adult population.²⁰

FIGURE 5: TYPES OF CREDIT OR CONSUMER REPORTING COMPLAINTS SUBMITTED BY CONSUMERS



¹⁹ Percentages throughout this report may not sum to 100% due to rounding.

²⁰ See Kenneth Brevoort, Philipp Grimm & Michelle Kambara, Office of Research, Consumer Fin. Prot. Bureau, *CFPB Data Point: Credit Invisibles* 12 (May 2015), available at http://files.consumerfinance.gov/f/201505_cfpb_data-point-credit-invisibles.pdf.

The majority of the credit or consumer reporting complaints consumers submitted to the Bureau involved perceived inaccuracies on consumers' credit reports. Consumer reporting companies generally handled the complaints sent to them by the Bureau like they handle trade line disputes received from consumers directly. Consumers sometimes mentioned having already attempted to resolve the inaccuracies by contacting a consumer reporting company and submitting a dispute, by contacting the company that furnished the information to the consumer reporting company, or both.

In some complaints, consumers asserted that they were victims of identity theft. Consumers also stated that they did not recognize accounts or credit inquiries on their reports and some consumers asserted that these inaccuracies were the result of identity theft. Consumers' complaints described the difficulties they encountered as they tried to resolve their identity theft claims, even when they provided—to the consumer reporting company, to the company that furnished the information to the consumer reporting company, or to both—the appropriate identity theft documentation, such as a police report.

When submitting complaints about credit inquiries, some consumers asserted that the inquiries were unauthorized or were the result of fraud. Consumers complained that they were frustrated with the consumer reporting companies' responses to their concerns about these credit inquiries. These responses generally stated that inquiries are factual records of account access and redirected consumers to dispute inquiries with creditors.

Complaints about credit scores sometimes reflected consumer confusion about different scoring ranges and methodologies. Consumers received different types of credit scores, including promotional and simulated scores, as well as scores from widely used scoring models. Consumers sometimes complained when these scores did not match scores used by their creditors. Additionally, consumers sometimes complained about the negative effects that changes to their credit reports had on their credit scores.

In 2017, a breach of consumers' data at Equifax resulted in the submission of a large volume of complaints. Some consumers complained about being affected by the breach based on the notification they had received from Equifax. Consumers also complained about the customer service they received when they attempted to set up security freezes and alerts. Other consumers complained about the terms of the complimentary identity theft service Equifax offered to affected consumers and security concerns with the breach-related website.

As required by the Fair Credit Reporting Act,²¹ this report includes information about complaints submitted by consumers about a nationwide consumer reporting agency²² related to incomplete or inaccurate information on their credit report. Of the approximately 100,000 credit or consumer reporting complaints the Bureau received in 2017, consumers submitted approximately 76,100 (76%) complaints about the three nationwide consumer reporting agencies—Equifax, TransUnion, and Experian. Tables 1 and 2 provide information about the problems consumers selected when submitting credit or consumer reporting complaints and show that consumers generally complained about the same types of problems across all three of the nationwide consumer reporting agencies.

²¹ 15 U.S.C. § 1681i(e).

²² *Id.* § 1681a(p) (“The term ‘consumer reporting agency that compiles and maintains files on consumers on a nationwide basis’ means a consumer reporting agency that regularly engages in the practice of assembling or evaluating, and maintaining, for the purpose of furnishing consumer reports to third parties bearing on a consumer’s credit worthiness, credit standing, or credit capacity, each of the following regarding consumers residing nationwide: public record information and credit account information from persons who furnish that information regularly and in the ordinary course of business.”).

TABLE 1: COMPLAINTS SENT TO NATIONWIDE CONSUMER REPORTING AGENCIES ABOUT INCORRECT INFORMATION IN CREDIT OR CONSUMER REPORT²³

	Equifax	TransUnion	Experian
Information is not mine	36%	35%	38%
Account status	21%	22%	22%
Account information incorrect	16%	17%	16%
Public record	9%	10%	8%
Personal information	7%	6%	8%
Old information reappears or never goes away	7%	8%	6%
Information is missing that should be on the report	2%	2%	2%
Information is incorrect	0.2%	0.2%	0.1%
Information that should be on the report is missing	0.1%	0%	0%
Total	100%	100%	100%

²³ Percentages throughout this report may not sum to 100% due to rounding.

TABLE 2: COMPLAINTS SENT TO NATIONWIDE CONSUMER REPORTING AGENCIES ABOUT THE COMPANY'S INVESTIGATION²⁴

	Equifax	TransUnion	Experian
Their investigation did not fix an error on your report	58%	62%	63%
Was not notified of investigation status or results	14%	12%	13%
Investigation took more than 30 days	11%	9%	9%
Difficulty submitting a dispute or getting information about a dispute over the phone	9%	9%	8%
Problem with personal statement of dispute	8%	8%	8%
Total	100%	100%	100%

3.3 Debt collection

The Bureau received approximately 84,500 debt collection complaints in 2017. The Bureau sent approximately 48,800 (or 58%) of these complaints to companies for review and response. The Bureau referred 30% of the debt collection complaints received to other regulatory agencies and found 10% to be incomplete. At the end of 2017, 1% of debt collection complaints were pending with the consumer and 1% were pending with the Bureau.

Complaints about debt collection can be more meaningful when considered in context of other data, such as the total volume of outstanding debt or the total number of accounts in collection.

²⁴ Percentages throughout this report may not sum to 100% due to rounding.